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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Kayarath et. al.,

Defendant.

2:14-cr-00353-GMN-GWF

Stipulation to Continue Calendar Call and Trial (First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by and through Daniel G. Bogden, United States Attorney, and Susan Cushman, Esq., Assistant United States Attorney, and Defendant SALEUMKIAT KAYARATH, by and through his attorney Bret O. Whipple of The Law Office of Bret Whipple, Esq. and Defendant ARDIS VANFOSSAN, by and through his attorney Alan Baum, Esq. of The Criminal Defense Group, and Defendant CHAYPHET VORAVONG, by and through his attorney, David R. Fischer, Esq. of Fischer Law Offices, and Defendant, JOHN TACORDA, by and through his attorney, Richard E. Tanasi, Esq. of Tanasi Law Offices, that the Calendar Call in the above-captioned matter, now scheduled for December 29, 2014, at the hour of 9:00 a.m., and that the Trial in the above-captioned matter, now scheduled for January 5, 2015, at the hour of 8:30 a.m., be vacated and continued to a date and time convenient to the Court, for a setting no sooner than 120 days from the current setting. The parties also agree to move all pretrial motions.

1 This is the first request for a continuance of the Calendar Call and Trial Dates.

2 This Stipulation is entered into for the following reasons:

3 1. There is a large volume of discovery in this case.

4 2. All defense parties require more time to review discovery and prepare for trial.

5 3. Defendants Kayarath, Vanfossan, and Voravong are in custody. Defendant Tacorda
6 is out of custody. Defendants consent, and do not object to this continuance.

7 4. For all of the above-stated reasons, the ends of justice would best be served by a
8 continuance of the Calendar Call and Trial dates.

9 5. The additional time requested by this Stipulation is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
11 Section 3161(h)(7)(A), considering the factors under 18 U.S.C. Sections 3161(h)(7)(B)(i) and
12 (iv).
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1 DATED this 8th day of December, 2014.

2 DANIEL G. BOGDEN
United States Attorney

3 /s/ *Susan Cushman*

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5 SUSAN CUSHMAN., ESQ.
Assistant United States Attorney

6
7 LAW OFFICES OF BRET WHIPPLE

8 /s/ *Bret O. Whipple*

9
10 BRET O. WHIPPLE, ESQ.
Counsel for Defendant
SALEUMKIAT KAYARATH

11
12 DAVID R FISCHER, ESQ.

13 /s/ *David R. Fischer*

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15 DAVID R. FISCHER, ESQ.
Counsel for Defendant
CHAYPHET VORAVONG

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TANASI LAW OFFICES

/s/ *Richard E. Tanasi*

RICHARD E. TANASI, ESQ.
Counsel for Defendant John Tacorda

THE CRIMINAL DEFENSE GROUP

/s/ *Alan Baum*

ALAN BAUM, ESQ.
Counsel for Defendant ARDIS
VANFOSSAN

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Attorney for Defendant

JOHN TACORDA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

Kayarath et. al.,

Defendant.

2:14-cr-00353-GMN-GWF

Findings of Fact, Conclusions of Law and Order

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

A. The parties have stipulated to continue the calendar call and trial dates as presently scheduled.

B. This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for trial, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

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- 1 1. There is a large volume of discovery in this case.
- 2 2. All defense parties require more time to review discovery and prepare for trial.
- 3 3. Defendants Kayarath, Vanfossan, and Voravong are in custody. Defendant Tacorda
4 is out of custody. Defendants consent, and do not object to this continuance.
- 5 4. For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the Calendar Call and Trial dates.
- 8 5. The additional time requested by this Stipulation is excludable in computing the time
9 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
10 Section 3161(h)(7)(A), considering the factors under 18 U.S.C. Sections 3161(h)(7)(B)(i) and
11 (iv).

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ORDER

IT IS THEREFORE ORDERED that the parties shall have to and including

, to file any and all pretrial motions and notices of defenses.

IT IS FURTHER ORDERED that the parties shall have to and including

, to file any and all responses to pretrial motions and notices of defenses.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by [REDACTED].

IT IS HEREBY ORDERED that the Calendar Call currently scheduled for December 29, 2014, at the hour of 9:00 a.m., be vacated and continued to _____, 20_____, at the hour of _____.m.; and

IT IS FURTHER ORDERED that the Trial currently scheduled for January 5, 2015, at the hour of 8:30 a.m., be vacated and continued to _____, 20_____, at the hour of _____ a.m.

DATED this day of December, 2015.

UNITED STATES DISTRICT JUDGE